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By Associate Supreme Court Justice James E. Duggan

In November 2007, in my capacity as co-chair of the Access to Justice Commission, I sent a letter to twenty largest firms in New Hampshire inquiring as to their policies regarding pro bono work. The impetus for my letter was twofold: first, the recent amendment to Rule 6.1 setting an aspirational goal of 30 hours of pro bono work annually and redefining pro bono work to focus on the provision of legal services; and, second, as a follow up to Chief Justice Broderick's presentations at fourteen law firms concerning the need for pro bono representation.

The responses I received concerning policies for pro bono representation demonstrated significant variation. The approaches taken by various firms include the following:

- Designate an administrative assistant who accepts two new cases from Pro Bono every month and assigns the cases throughout the firm.

- Credit as billable hours time spent on pro bono cases up to 100 hours annually. The management committee can waive the cap in appropriate cases.

- Include hours on pro bono cases in the calculation of hours worked but not for compensation.

-- Encourage all lawyers “from the most senior partner to the most junior associate” to take cases from Pro Bono. The time is counted in considering bonuses.

-- Keep and count billable hours for pro bono clients as they would for any other client.

-- Give firm wide recognition in its newsletter to attorneys who give 100 hours or more to pro bono work. All pro bono hours are credited to the attorneys’ billable hours and attorneys are evaluated in part based on pro bono service.

-- Establish a standing Pro Bono committee that includes associates and senior partners and gives associates full billable hour credit for pro bono hours, designate an administrative assistant to coordinate intake of pro bono cases and encourage all lawyers to perform at least 30 to 50 pro bono hours annually.

All resources on the topic indicate that an organized structure is essential in assuring an effective law firm pro bono program. A pro bono committee, for example, provides a mechanism to manage a law firm’s pro bono program and to keep the firm’s commitment and program organized, current and active. Such a committee offers a structure for intake, assigning cases, conflicts checks, supervision and use of firm resources.

From speaking with the Bar’s Pro Bono Director Ginny Martin and others, the most critical piece of a successful pro bono program may well be the pro bono coordinator position. The person delegated this role must have management’s wholehearted support and backing to be effective. The coordinator should be accessible, responsive to requests

and have the authority to assign cases or activities after initial internal review. It is important that this individual and pro bono committee members keep abreast of and seek out volunteer opportunities, including those offered through the Bar's Pro Bono Referral Program.

The American Bar Association and others recommend that policies detail the firm's commitment to pro bono legal work. This includes defining what constitutes pro bono activities (using Rule 6.1 as a guide), setting annual expectations for contributed hours and addressing the question of billable hour credit for pro bono hours.

For firms that are reviewing their current pro bono policies in light of the amendments to Rule 6.1, Ginny Martin is available for consultation as well to coordinate pro bono activities through her office. Feel free to contact her at the Bar Association.